

**Before the
Federal Communications Commission
Washington, DC 20554**

| | | |
|---|---|---------------------|
| In the Matter of |) | |
| |) | |
| Request for Review of the |) | |
| Decision of the |) | |
| Universal Service Administrator by |) | |
| |) | |
| Grant Joint Union High School District |) | File No. SLD-256077 |
| Sacramento, California |) | |
| |) | |
| Federal-State Joint Board on |) | CC Docket No. 96-45 |
| Universal Service |) | |
| |) | |
| Changes to the Board of Directors of the |) | CC Docket No. 97-21 |
| National Exchange Carrier Association, Inc. |) | |

ORDER

Adopted: December 6, 2002

Released: December 9, 2002

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. Before the Telecommunications Access Policy Division is a Request for Review filed by Grant Joint Union High School District (Grant), Sacramento, California.¹ Grant seeks review of a decision of the Schools and Libraries Division (SLD) of the Universal Service Administrative Company, which denied one of Grant's requests for discounts under the schools and libraries universal service mechanism.²

2. We find that this appeal should be considered by SLD in the first instance. On January 11, 2002, Grant electronically mailed the Commission, and attached a letter of appeal addressed to SLD.³ We note that Grant sent an identical letter of appeal to SLD.⁴ The appeal to SLD was, however, not sent to SLD until March 18, 2002 and as a result, was dismissed by SLD

¹ E-mail from Cyril Kalbach, Grant Joint Union High School District, to Federal Communications Commission, filed January 11, 2002 (Request for Review). *See also id.* at attachment (Letter from Cyril Kalbach, Grant Joint Union High School District, to Schools and Libraries Division, Universal Service Administrative Company, dated January 11, 2002).

² *See* Request for Review. Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of the Universal Service Administrative Company (Administrator) may seek review from the Commission. 47 C.F.R. § 54.719(c).

³ Request for Review.

⁴ Letter from Cyril Kalbach, Grant Joint Union High School District, to Schools and Libraries Division, Universal Service Administrative Company, filed March 18, 2002, at attachment (SLD Appeal).

as untimely.⁵ In light of these facts, it is clear that Grant intended to exercise its right to appeal to SLD before bringing the matter to the Commission and, thus, remanding the appeal will ensure that Grant receives the review process that it was seeking.⁶ Further, upon review of the record, we find that providing SLD a chance to elaborate on its reasoning and to review and address the assertions made by applicant will enhance and benefit the record and thus aid both Grant and the Commission in the event that Grant's appeal is denied and Grant finds it appropriate to seek further review from the Commission.⁷ Therefore, we remand the appeal to SLD for its consideration.

3. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the Request for Review filed by Grant Joint Union High School District, Sacramento, California, on January 11, 2002 is REMANDED and SLD is directed to address and resolve the Request for Review as if it were an appeal to SLD.

FEDERAL COMMUNICATIONS COMMISSION

Mark G. Seifert
Deputy Chief, Telecommunications Access Policy Division
Wireline Competition Bureau

⁵ *Id.*; see Letter from Schools and Libraries Division, Universal Service Administrative Company, to Cyril Kalbach, Grant Joint Union High School District, dated March 19, 2002.

⁶ See 47 C.F.R. § 54.719(a).

⁷ See *Request for Review by Lone Wolf Public Schools, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-242788, CC Dockets No. 96-45 and 97-21, Order, DA 02-2345, para. 8 (Wireline Comp. Bur. rel. September 20, 2002).